

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 24-cr-201 (ECT/TNL)

Plaintiff,

v.

ORDER

Martrell Devon Burns,

Defendant.

This matter comes before the Court on Defendant Martrell Devon Burns's Motion for an Extension of the Time to File Pretrial Motions and a Continuance of the Motions Hearing Date, ECF No. 23. Defendant also filed a Statement of Facts in Support of the Exclusion of Time Under the Speedy Trial Act, ECF No. 24.

Defendant requests a 30-day extension of the pretrial motions filing deadline and corresponding hearing date because defense counsel was very recently appointed as counsel in this matter and therefore needs additional time to review the voluminous discovery produced in this case. *See* ECF No. 23 at 1-2. Defendant also requests for the period of continuance to be excluded from computation under the Speedy Trial Act. *See* ECF No. 24 at 1. The Government via email correspondence represented that it has no objection to the requested continuance.

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendant in a speedy

trial and such continuance is necessary to provide Defendant and his counsel reasonable time necessary for effective preparation and to make efficient use of the parties' resources.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant's Motion for an Extension of the Time to File Pretrial Motions and a Continuance of the Motions Hearing Date, ECF No. 23, is **GRANTED**.

2. The period of time from **the date of this Order through September 27, 2024**, shall be excluded from Speedy Trial Act computations in this case.

3. All motions in the above-entitled case must be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **September 27, 2024**. D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses must be delivered directly to the chambers of Magistrate Judge Leung.

4. **Counsel must electronically file a letter on or before September 27, 2024 if no motions will be filed and there is no need for hearing.**

5. All responses to motions must be filed by **October 11, 2024**. *See* D. Minn. LR 12.1(c)(2).

6. Any Notice of Intent to Call Witnesses must be filed by **October 11, 2024**. *See* D. Minn. LR. 12.1(c)(3)(A).

7. Any Responsive Notice of Intent to Call Witnesses must be filed by **October 16, 2024**. *See* D. Minn. LR 12.1(c)(3)(B).

8. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The Government makes timely disclosures and a defendant identifies in the motions particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

9. If required, the motions hearing must be heard before Magistrate Judge Tony N. Leung on **October 18, 2024, at 9:00 a.m.**, in Courtroom 9W, Diana E. Murphy United States Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota. *See* D. Minn. LR 12.1(d).

10. **TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT:**
the following trial and trial-related dates are:

Counsel should submit two hard copies of trial briefs, voir dire, proposed jury instructions, exhibit and witness lists, and trial-related motions (including motions in limine) to District Judge Eric C. Tostrud's chambers on or before **November 4, 2024**. In addition, counsel should email the proposed jury instructions and exhibit and witness lists to: tostrud_chambers@mnd.uscourts.gov.

Judge Tostrud will hold a final pretrial on **November 15, 2024, at 9:00 a.m.** in **Courtroom 7D**, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, **SAINT PAUL**, Minnesota.

This case must commence trial on **November 18, 2024, at 1:00 p.m.** before District Judge Tostrud in **Courtroom 7D**, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, **SAINT PAUL**, Minnesota.

b. **IF PRETRIAL MOTIONS ARE FILED**, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Tostrud to confirm the new trial date.

Dated: September 6, 2024

s/ Tony N. Leung

Tony N. Leung

United States Magistrate Judge

District of Minnesota

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